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OFFICE OF PETITIONS

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| In re Application of | : | |
| Je-Young Chang et al. | : | |
| Application No. 10/733,099 | : | |
| Filed: December 10, 2003 | : | DECISION ON PETITION |
| Attorney Docket No. 42P18071 | : | UNDER 37 C.F.R. §1.181(A) |
| Title: HEAT PIPE INCLUDING | : | |
| ENHANCED NUCLEATE BOILING | : | |
| SURFACE | : | |

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on July 20, 2005.

The Office regrets the delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 12, 2004, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 13, 2004. A notice of abandonment was mailed on June 8, 2005.

With the present petition, Petitioner has asserted that the electronic file indicates that a response to this Office action was received in the Office on November 12, 2004. The electronic file has been reviewed, and it is clear that a response was indeed received on this date.

It is equally clear that this response was only recently matched with the present file. The papers were likely originally matched with the wrong file because Petitioner placed the wrong serial number on his submission - the fax cover page, the transmittal form, the fee transmittal form, the amendment, the specification, the claims, the remarks, and the drawings each

bears the serial number 10/773,099. Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment which was received with the present petition can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.



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